

PUBLIC ACTS, 1999

CHAPTER NO. 503

HOUSE BILL NO. 1550

By Representatives Sands, Boyer

Substituted for: Senate Bill No. 1476

By Senators McNally, Graves

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to criminal penalties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-428(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) In determining the minimum fine to impose upon any person convicted of violating any provision of this part, the court shall first determine whether the person was convicted of a misdemeanor or felony violation of this part and then shall determine if the person has any previous convictions for violations of this part. Having determined the category of offense and offender, the judge shall impose a minimum mandatory fine based upon the following:

(1) First conviction for a misdemeanor drug offense involving a Schedule VI controlled substance classified as marijuana or hashish.....\$250

(2) Second conviction for a misdemeanor drug offense involving a Schedule VI controlled substance classified as marijuana or hashish.....\$500

(3) Third or subsequent conviction for a misdemeanor drug offense involving a Schedule VI controlled substance classified as marijuana or hashish, enhanced as a felony under §39-17-418(e).....\$1,000

(4) First conviction for a misdemeanor drug offense involving a Scheduled controlled substance other than Schedule VI.....\$750

(5) Second conviction for a misdemeanor drug offense involving a Scheduled controlled substance other than Schedule VI.....\$850

(6) Third or subsequent conviction for a misdemeanor drug offense involving a Scheduled controlled substance other than Schedule VI, enhanced as a felony under §39-17-418(e).....\$1,000

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(7) First conviction for possession of drug paraphernalia under §39-17-425(a)(1).....\$150

(8) Second or subsequent conviction for possession of drug paraphernalia under §39-17-425(a)(1) and conviction for all other misdemeanor drug offenses.....\$250

(9) First conviction for all felony drug offenses involving a Scheduled controlled substance.....\$2000

(10) Second conviction for all felony drug offenses involving a Scheduled controlled substance.....\$3,000

(11) Third or subsequent conviction for all felony drug offenses involving a Scheduled controlled substance.....\$5,000

(12) First conviction for all other felony drug offenses including §39-17-423(a) and (b) and §39-17-425(b)(1).....\$1,000

(13) Second or subsequent conviction for all other felony drug offenses including §39-17-423(a) and (b) and §39-17-425(b)(1).....\$1,500

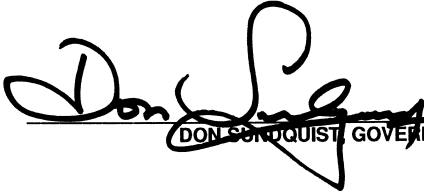
SECTION 2. This act shall take effect July 1, 1999, the public welfare requiring it.

PASSED: May 27, 1999


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999


DON SUNDQUIST, GOVERNOR